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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,889	08/23/2001	Shunichi Sekiguchi	3815/128	2978

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EXAMINER

JACOBS, LASHONDA T

ART UNIT PAPER NUMBER

2157

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/935,889

Applicant(s)

SEKIGUCHI ET AL.

Examiner

LaShonda T Jacobs

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10, 1/27/04, 10/9/03
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **1-31** are rejected under 35 U.S.C. 102(e) as being anticipated by Bhagavath et al (hereinafter, “Bhagavath”, U.S. Pat. No. 6,829,781).

As per claims **1, 21** and **27**, Bhagavath discloses an information delivery system including a first server, a second server and a terminal,

wherein said first server comprises:

- means for storing summary content which is a summary of detailed content (col.7, lines 45-49); and
- means for transmitting the summary content to said terminal (col. 3, lines 47-53).

wherein said second server comprises:

- means for storing the detailed content (col.7, lines 45-49); and
- means for transmitting the detailed content to said terminal in response to an instruction of said terminal (col. 3, lines 47-53 and col. 10, lines 7-20), and

wherein said terminal comprises:

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- means for receiving the summary content from said first server (col. 9, lines 1-10);
- means for displaying the received summary content (col. 4, lines 22-25);
- means for instructing said second server to transmit the detailed content corresponding to the received summary content (col. 7, lines 7-20); and
- means for receiving the detailed content corresponding to the received summary content from said second server (col. 7, lines 7-20).

As per claims 2, 23 and 24, Bhagavath further discloses:

- a push delivery control unit (col. 7, lines 59-64);
- wherein said terminal further comprises means for transmitting data about said terminal to said push delivery control unit (col. 9, lines 36-41),
- wherein said first server further comprises means for transmitting data about the summary content to said push delivery control unit (col. 10, lines 38-49),  
wherein said push delivery control unit
- means for receiving the data about said terminal from said terminal (col. 9, lines 39-48);
- means for receiving the data about the summary content from said first server (col. 10, lines 38-49);
- means for deciding a terminal to which the summary content is to be transmitted according to the data about said terminal and the data about the summary content (col. 10, lines 21-30); and
- means for transmitting to said first server, information about the terminal which was decided to be the terminal to which the summary content was to be transmitted (col. 10, lines 38-49), and

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- wherein said first server transmits the summary content only to the terminal which was decided by said push delivery control unit to be the terminal to which the summary content was to be transmitted (col. 10, lines 38-49).

As per claim 3, Bhagavath discloses:

- wherein said terminal further comprises means for transmitting data about said terminal to said first server (col. 9, lines 36-41),

wherein said first server further comprises:

- means for receiving the data about said terminal from said terminal (col. 9, lines 39-48);  
and
- means for deciding a terminal to which the summary content is to be transmitted according to the data about said terminal and data about the summary content (col. 10, lines 21-30), and
- wherein said first server transmits the summary content only to the terminal which was decided to be the terminal to which the summary content was to be transmitted (col. 10, lines 38-49).

As per claim 4, Bhagavath discloses:

- wherein the data about said terminal includes data about content display capability of said terminal, and the data about the summary content includes data about display capability needed for displaying the summary content (col. 4, lines 22-25);.

As per claim 5, Bhagavath discloses:

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- wherein the data about said terminal includes data about a position of said terminal, and the data about the summary content includes data about a position associated with the summary content (col. 4, lines 54-60).

As per claim 6, Bhagavath discloses:

- wherein the data about said terminal includes data about a user of said terminal, and the data about the summary content includes data about attribute associated with the summary content (col. 3, lines 57-63).

As per claim 7, discloses:

- wherein the summary content includes a display control code for controlling display of content on said terminal and wherein the display control code controls display of content on said terminal according to data about said terminal that differs from the data about said terminal which said terminal transmits (col. 4, lines 1-11).

As per claim 8, Bhagavath discloses:

- wherein the detailed content corresponding to the summary content consists of moving image content, and wherein the summary content includes a frame of the moving image content (col. 4, lines 1-11).

As per claim 9, Bhagavath discloses:

- wherein the summary content includes data describing a structure of the detailed content corresponding to the summary content (col. 10, lines 34-37).

As per claim 10, Bhagavath discloses:

- wherein the summary content includes a display control code for controlling display of content on said terminal (col. 4, lines 12-25).

As per claim **11**, Bhagavath discloses:

- wherein the display control code controls display of content on said terminal according to the data about said terminal (col. 4, lines 23-25).

As per claim **12**, Bhagavath discloses:

- wherein the summary content includes structure description data describing a structure of the detailed content corresponding to the summary content, and wherein the display control code obtains information for receiving the detailed content according to the structure description data and controls display of content on said terminal by using the obtained information (col. 4, lines 23-37).

As per claim **13**, Bhagavath discloses:

- wherein the summary content includes data for authenticating the summary content (col. 8, lines 49-56).

As per claim **14**, Bhagavath further discloses:

- a charging center for charging for communication between said terminal said second server (col. 7, lines 1-5).

As per claim **15**, Bhagavath discloses:

- wherein said charging center decides a charging destination for the communication between said terminal and said second server according to an instruction from said second server (col. 5, lines 1-5).

As per claim **16**, Bhagavath discloses:

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- wherein when said second server receives information about exemption of the charging from said terminal said second server instructs said charging center to charge said second server for subsequent communication with said terminal (col. 8, lines 49-56).

As per claim 17, Bhagavath discloses:

- wherein the summary content includes the information about the exemption of the charging, or information about generating the information about the exemption of the charging (col. 8, lines 34-48).

As per claim 18, Bhagavath discloses:

- wherein said second server instructs said charging center to charge said second server for communication with said terminal, after completing the communication (col. 7, lines 1-5).

As per claim 19, Bhagavath discloses:

- wherein when said charging center receives information about exemption of the charging from said terminal, said charging center charges said second server for subsequent communication between said terminal and said second server (col. 8, lines 49-56).

As per claim 20, Bhagavath discloses:

- wherein said terminal is a mobile terminal (col. 3, lines 47-51).

As per claim 22, Bhagavath further discloses:

- means for receiving data about a terminal from said terminal (col. 9, lines 39-48); and
- means for deciding a terminal to which the summary content is to be transmitted according to the data about said terminal and data about the summary content (col. 10, lines 21-30), and



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- wherein said server transmits the summary content only to the terminal which was decided to be the terminal to which the summary content was to be transmitted (col. 10, lines 38-49).

As per claim **25**, Bhagavath discloses a charging center comprising:

- means for charging communication between a terminal and a server storing content (col. 5, lines 1-5); and
- means for receiving an instruction from said server (col. 5, lines 1-5),
- wherein said charging center decides a charging destination according to said instruction from said server and charges the decided charging destination (col. 5, lines 1-5).

As per claim **26**, Bhagavath discloses a charging center comprising:

- means for charging for communication between a terminal and a server storing content (col. 5, lines 1-5); and
- means for receiving information about exemption of the charging from said terminal (col. 8, lines 34-48),
- wherein said charging center charges, when said charging center receives said information about exemption of the charging from said terminal, said server for subsequent communication between said terminal and said server (col. 8, lines 34-48).

As per claims **28**, **30** and **31**, Bhagavath discloses a display control method for controlling display of content on a terminal comprising the steps of:

- obtaining information for receiving content according to structure description data describing a structure of the content (col. 4, lines 22-36); and

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- controlling display of content on said terminal by using the obtained information (col. 4, lines 22-36).

As per claim 29, Bhagavath discloses:

- wherein said display control method obtains said information for receiving content according to the structure description data and the data about said terminal (col. 4, lines 22-36).

### *Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,272,492 to Kay

U.S. Pat. No. 6,557,042 to He et al

U.S. Pat. No. 6,065,058 to Hailpern et al

U.S. Pat. No. 5,995,095 to Ratakonda

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T Jacobs whose telephone number is 571-272-4004.

The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs  
Examiner  
Art Unit 2157

ltj  
March 11, 2005



**SALEH NAJJAR**  
**PRIMARY EXAMINER**